



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,254	04/02/2001	Shin lima	450100-03122	1519
20999	7590	04/28/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER

3621

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,254

Applicant(s)

IIMA ET AL.

Examiner

Pierre E. Elisca

Art Unit

3621

ME

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3621

DETAILED ACTION

1. This Office action is in response to Applicant's amendment, filed on 2/17/2004.
2. Claims 1 and 3-37 are pending and claim 2 is canceled.
3. The rejection to claims 1-37 under 35 U.S.C. 103 (a) as being unpatentable over Kocher et al in view of Tateishi as set forth in the Office action mailed on 12/3/2003 is maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-37 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kocher et al (U.S. Pat. No. 6,640,305) in view Tateishi (U.S. Pat. No. 5,669,007).

As per claims 1, 3-4, 8-10, 13-15, 18, 19, 22, 23, 26, 27, 30, 31, 34 and 35 Kocher substantially discloses a digital content distribution, comprising:

Digital content data (see., abstract, col 1, lines 17-24, col 5, lines 52-67). It is to be noted that Kocher fails to explicitly disclose a digital content data attached with said cost and converting a data format, wherein said cost information includes at least one unit price of said unit data volume. However, Tateishi discloses a character recognition that

Art Unit: 3621

has four-element data converted and a header label that is attached the cost (see., col 6, lines 53-59, col 8, lines 5-10, col 12, lines 54-67. Applicant's newly added limitation is also discloses by Tateishi in the abstract, specifically wherein said by summing the costs for the traveled nodes and links, a total cost value can be associated with each path. Please note that it is obvious to recognize that the cost value also includes a price). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the digital content of Kocher by including the limitations detailed above as taught by Tateishi because this would facilitate information retrieval in the digital content.

As per claim 5, Kocher discloses the claimed limitation wherein said notification means notifies said management unit of, as transmission information about said digital content data transmitted by said transmission means, at least one of said cost information, information for identifying a sender, information for identifying a recipient, and a data volume of said digital content data transmitted (see., abstract).

As per claims 6, 7, 11, 12, 16, 17, 20, 21, 24, 25, 28, 29, 32, 33, 36 and 37 Kocher substantially discloses a digital content distribution, comprising:

Digital content data (see., abstract, col 1, lines 17-24, col 5, lines 52-67). It is to be noted that Kocher fails to explicitly disclose a digital content data attached with said cost and converting a data format, wherein said cost information includes at least one unit price of said unit data volume. However, Tateishi discloses a character recognition that

Art Unit: 3621

has four-element data converted and a header label that is attached the cost (see., col 6, lines 53-59, col 8, lines 5-10, col 12, lines 54-67. Applicant's newly added limitation is also discloses by Tateishi in the abstract, specifically wherein said by summing the costs for the traveled nodes and links, a total cost value can be associated with each path. Please note that it is obvious to recognize that the cost value also includes a price). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the digital content of Kocher by including the limitations detailed above as taught by Tateishi because this would facilitate information retrieval in the digital content.

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 2/17/2004 have been fully considered but they are not persuasive. Necessitated by amendment.

REMARKS

7. In response to Applicant's arguments, Applicant argues that the prior art of record taken alone or in combination fail to disclose:

"generating cost information related to the price per unit volume". Based upon the foregoing rejection indicated above, it is believed that Tateishi discloses this limitation in the abstract, specifically wherein said by summing the costs for the traveled nodes and links, a total cost value can be associated with each path. Please note that it is obvious to recognize that the cost value also includes a price). Accordingly, it would have been

Art Unit: 3621

obvious to a person of ordinary skill in the art at the time the invention was made to modify the digital content of Kocher by including the limitations detailed above as taught by Tateishi because this would facilitate information retrieval in the digital content.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

Primary Patent Examiner

April 26, 2004